IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1118 OF 2006

Hutchison Essar Ltd. .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.C.U.Singh, Senior Advocate with Mr.P.S.Anand for petitioner

Mr.R.M.Patne, A.G.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 24th February 2006.

P.C.

. Heard Mr.Singh, learned Senior Counsel for petitioner and Mr.Patne, A.G.P. for

respondent Nos. 1 and 2.

2. Mr.Patne states that the petition should not be entertained in the light of alternate remedy available of approaching Collector of District as well as the remedy to challenge his order further.

3. Mr.Singh states that in the light of the provisions of section 44-A of the Maharashtra Land Revenue Code, petitioners have no objection to appear before the District Collector and point out to him that user and conversion of the land from agricultural to industrial/commercial is permissible and the intimation having been sent to Tahsildar, no coercive measures be taken.

4. He further points out that without prejudice to the rights and contentions of petitioners to approach the Dist.Collector, the penalty for non agriculture user has also been

paid in December 2005.

5. In the light of the aforesaid, it is directed that no coercive measures should be initiated against the petitioners and their structures/ towers should not be demolished till the Collector decides the issue after hearing petitioners. Petitioners agree to appear before the Collector on 7th March 2006 and the Collector, thereafter, to proceed and decide the matter in accordance with law within a period of four weeks from the date of the appearance. It is made clear that that no coercive measures and/or demolition to take place until the Collector decides the matter and for a period of two weeks from the date of communication of the order of the Collector to the petitioners, if the same is adverse to them. All contentions in that behalf are kept open. Petition disposed of accordingly.

(S.C.DHARMADHIKARI, J)